

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) : MAKISHIMA ET AL.

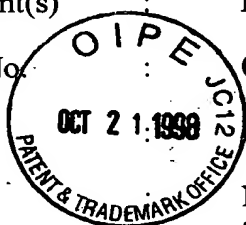
Serial No. : 08/945,459

Filed : OCT 21 1998 DECEMBER 9, 1997

For : NOVEL PROTEIN AND PROCESS FOR PREPARING THE SAME

Group Art Unit : 1646

Examiner : E. KEMMERER

**PRELIMINARY AMENDMENT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

This amendment is submitted in response to the Notice to Comply with the Sequence Rules mailed October 1, 1998. The Notice requested that a substitute Sequence Listing be presented as the Sequence Listing filed August 28, 1998 was found to contain "errors". More specifically, the Notice indicated that since SEQ ID No: 1 in the Sequence Listing contained both the amino acid sequence and the nucleic acid sequence of the claimed protein, it should not be listed as an amino acid sequence.

Accordingly, the nucleic acid sequence has been removed from SEQ ID No: 1, and is listed as SEQ ID No: 4 in the substitute Sequence Listing. This amendment includes a paper copy of the substitute Sequence Listing (Exhibit 1), a diskette containing the substitute Sequence Listing in computer readable form (Exhibit 2), and a statement under 37 C.F.R. §1.825(b) or §1.825(d) (Exhibit 3) that the substitute paper copy of the Sequence Listing and the substitute computer readable Sequence Listing are identical.

Please replace the Sequence Listing filed August 28, 1998 with the enclosed substitute paper Sequence Listing and insert the substitute Sequence Listing after page 22 of the specification of the application and before the claims.

"Express Mail" mailing label  
number - EL 14532068 445  
Date of Deposit - OCT 21 1998  
I hereby certify that this paper of fee is  
being deposited with the United States Postal  
Service under 37 C.F.R. 1.10 on the date indicated  
above and is addressed to the Commissioner  
of Patents and Trademarks, Washington, D.C.  
20531.

OCT. 21, 1998  
D. Sakonmura  
(Signature of person mailing paper or fee)

RECEIVED  
OCT 21 1998  
GROUP 1800  
11-5-98

As this amendment does not introduce any new matter into the application, entry of the amendment and of the paper copy of the substitute Sequence Listing are respectfully requested.

Respectfully submitted,

BIERMAN, MUSERLIAN AND LUCAS, L.L.P.

Dated: October 21, 1998

By Charles A. Muserlian  
Charles A. Muserlian  
Reg. No. 19,683

Of Counsel:

BIERMAN, MUSERLIAN AND LUCAS, L.L.P.

600 Third Avenue

New York, New York 10016

(212) 661-8000

(212) 661-8002 (FAX)

RE

OCT 22 1998

GH 1800